



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

CHRISTOPHER STEVEN SPENCE,

Petitioner,

vs.

WARDEN RUTH YANCEY,

Respondent.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 6:05-3478-HFF-WMC

---

---

ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE AND  
GRANTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT

---

---

This case was filed as a Section 2241 action. Petitioner is proceeding *pro se*. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Respondent's motion for summary judgment be granted. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on May 23, 2006. Petitioner subsequently filed a twenty-one page memorandum that was received by the Clerk of Court on June 12, 2006.

The Court has carefully reviewed Petitioner's submission. In lieu of filing any real objections, however, the Court notes that Petitioner has generally reargued his case. He also requests that the Magistrate Judge be removed from the case for allegedly discriminating against aliens and *pro se* inmates. Such conclusory allegations, without more, are an insufficient basis on which to grant such a request. Nevertheless, in the interest of justice and an abundance of caution, the Court has made a *de novo* review of the entire record, but finds Petitioner's action to be without merit. Simply stated, and as observed by the Magistrate Judge,

The evidence shows that the immigration detainer was appropriately entered against the petitioner by the [Bureau of Prisons] in accordance with policy. It further appears that the petitioner has been provided a copy of the document. Furthermore, the petitioner has failed to show that the respondent has violated any of his constitutional rights. Accordingly, the motion for summary judgment should be granted.

(Report 9.)

After a thorough *de novo* review of the entire Report and record in this case, the Court overrules Petitioner's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Respondent's motion for summary judgment must be **GRANTED**.

**IT IS SO ORDERED.**

Signed this 14<sup>th</sup> day of June, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

**\*\*\*NOTICE OF RIGHT TO APPEAL\*\*\***

Petitioner is hereby notified of the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.